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GREAT FALLS DIV.

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PATRICK L. LUTY, CLERK

BY _____
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

JOE EDWARD GORDON,

Plaintiff,

vs.

CAPTAIN LEVESQUE; LT. MERTZ; LT.
STEWART; SGT. SALOIS,

Defendants.

No. CV 04-109-GF-SEH

ORDER

On July 18, 2006, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation¹ in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-52 (1986). However, this Court will review Judge Ostby's Findings and Recommendation for clear error.

Defendant moved for dismissal based on Plaintiff's failure to appear at an authorized deposition on May 26, 2006. Plaintiff conceded dismissal was appropriate and failed to respond

¹Docket # 31.

to Defendants' Motion for Dismissal as a Sanction Pursuant to Rule 16(f). While Judge Ostby determined a dismissal was appropriate, dismissal with prejudice was unduly harsh, and recommended the case be dismissed without prejudice. I see no clear error in Judge Ostby's Findings and Recommendation. I, therefore, adopt Judge Ostby's Findings and Recommendation in full.

ORDERED:

The Case is DISMISSED without prejudice.

DATED this 23rd day of August, 2006.


SAM E. HADDON
United States District Judge